

STATE OF INDIANA)	HENRY COUNTY CIRCUIT COURT
)ss:	
COUNTY OF HENRY)	CAUSE NO. CO1-0611 PL 0022
ISAAC IMEL,)	
)	
Plaintiff,)	
)	
vs.)	
)	
CHARLES A. BEARD MEMORIAL)	
SCHOOL CORPORATION,)	
)	
Defendant.)	

FILED
NOV 14 2006
Shirley R. Frank
CLERK HENRY CIRCUIT COURT

ANSWER TO VERIFIED COMPLAINT

Comes now Defendant Charles A. Beard Memorial School Corporation, by D. Michael Wallman, attorney for the Defendant, and files this answer to the Verified Complaint for Injunctive and Declaratory Relief and Damages, and says the following:

1. Defendant admits the allegations contained in rhetorical paragraphs 2,3,4,9,10,11, 12,13,16,17,18,19,20,21,22,25,26,29,30,31,32,40,41,43,44,45,46,49,50,51, and 54.

2. Defendant admits that part of rhetorical paragraph 1 which alleges the legal basis of plaintiff's claim, but denies that the case is appropriate under the law cited or that the relief request is appropriate under the law or the facts.

3. Defendant admits that portion of rhetorical paragraph 7 which alleges the DVD is over an hour in length, but is without sufficient knowledge to admit or deny the remaining allegations.

4. Defendant admits that portion of rhetorical paragraph 8 which characterizes the quality of the DVD as poor.

5. Defendant admits those portions of rhetorical paragraphs 14 and 15 which generally describe the scene, but would characterize the conduct as more vulgar and serious than described by Plaintiff.

6. Defendant admits those portions of rhetorical paragraph 23 which recite the actions in the scene, but would additionally characterize the activity as vulgar and inappropriate school behavior.

7. Defendant denies the allegations contained in 27, noting that the "killing" is seemingly indiscriminate.

8. Defendant admits the allegation contained in rhetorical paragraph 24, but would add the full scene depicts Mr. Clevenger dismissing other students from class but providing extra credit to the student who performs oral sex.

9. Defendant admits the allegations contained in rhetorical paragraph 28 but would point out the attack on the bear is particularly vicious.

10. Defendant is without sufficient knowledge to admit or deny the allegations contained in rhetorical paragraphs 5,6,33,34,35,36,37,42, and 52.

11. Defendant admits that portion of rhetorical paragraph 38 which recites the expulsion, but would add that the DVD in which plaintiff was an actor and co-producer was slanderous and defamatory per se.

12. Defendant denies the allegations contained in rhetorical paragraphs 53, 55, and all paragraphs of the prayer for relief, separately numbered 1 through 6.

13. Defendant admits that portion of rhetorical paragraph 39 which recites notification to the parents, but would add that the parents were informed by telephone as well.

14. Defendant would admit that portion of rhetorical paragraph 47 which recites that the county prosecutor has reviewed the DVD and decided not to press charges, but denies the rest.

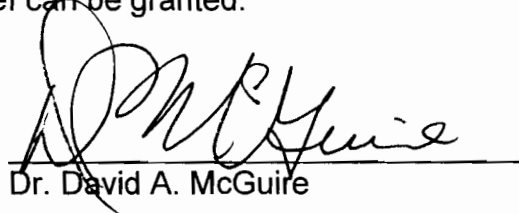
15. Defendant admits that portion of rhetorical paragraph 48 which recites the statute, but would state the statute speaks for itself.

16. Defendant denies all remaining allegations.

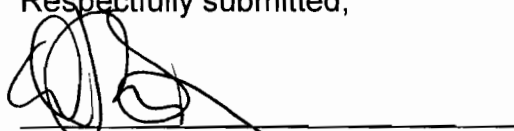
WHEREFORE, Defendant prays that Plaintiff take nothing by this action, that the case be dismissed, that judgment be entered for Defendant, and for all other just and proper relief.

AFFIRMATIVE DEFENSES

1. Plaintiff has an adequate remedy which must be exhausted prior to bringing any action regarding his expulsion.
2. Indiana Law, specifically IC 20-33-8-21, limits court authority to a judicial review directed to whether the school corporation followed the procedure detailed in IC 20-33-8.
3. Plaintiff fails to state a claim upon which relief can be granted.


Dr. David A. McGuire

Respectfully submitted,

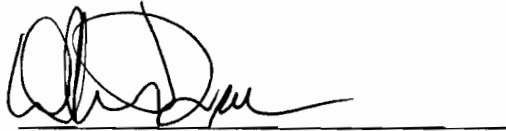

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CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing Answer To Verified Complaint of D. Michael Wallman on behalf of Defendant, Charles A. Beard Memorial School Corporation, Knightstown, Indiana has been duly served upon the following by United States Mail, first-class, postage prepaid on this 14 day of Nov, 2006:



Jacquelyn Bowie Sues
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202



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